

Reassessing Consumer Protection in Digital Markets: Information Asymmetry as Epistemic Injustice in Indonesia and the Philippines

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KEYWORDS	ABSTRACT
<p>Keywords: Consumer Protection; Information Asymmetry; Epistemic Injustice; Digital Ecosystems; Consumer Welfare</p> <p>Conflict of Interest Statement: The authors declare that there are no conflicts of interest regarding the publication of this article. The research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.</p> <p>Copyright © 2025 AMAR. All rights reserved.</p>	<p>Purpose: This study examines whether information asymmetry in digital markets can be understood as a form of epistemic injustice and to assess how the consumer protection frameworks of Indonesia and the Philippines respond to this problem.</p> <p>Research Design and Methodology: This research employs the normative legal research method and comparative approach, with epistemic injustice as the main philosophical, analytical lens. To supplement the analysis, the study utilizes key primary law sources, namely Law No. 8 of 1999 and Government Regulation No. 80 of 2019 from Indonesia; and Republic Act No. 7394 and the Internet Transaction Act of 2023 from the Philippines.</p> <p>Findings and Discussion: Information asymmetry is comprehensively identified as a form of testimonial and hermeneutical injustice that undermines consumers' capacity as knowers. Normative analysis conclusively shows that both countries are reliant on general legal norms, incapable of philosophically and normatively capturing information asymmetry in today's markets. In addition, deficiencies are also found in recent regulations, where algorithmic opacity and complaint-handling mechanism remain unaddressed.</p> <p>Implications: The study implies the need for comprehensive reform and proposes that legal development should move beyond broad fairness principles to operationalize specific digital safeguards, and clearer disclosures, along with verifiability and platform accountability standards.</p>

Introduction

In the evolving landscape of digital economy expansion, consumers are often placed in structurally disadvantaged positions due to unequal access to information, limited capacity to interpret digital processes, and dependence on opaque technological systems governed by algorithms. Such conditions indicate that consumer vulnerability in digital markets extends beyond economic imbalance and enters the realm of epistemic inequality, where individuals are constrained in their ability to understand and make informed decisions. From the doctrinal standpoint, this contrasts what consumer protection law should do to ensure consumer welfare (das Sollen). This specific domain of law should not merely require the formal availability of information, but should ensure that disclosures are fair, understandable, and capable of supporting meaningful consumer choice. In digital markets, this also means safeguarding consumer autonomy and welfare against opaque technological practices that weaken consumers' ability to assess risks, compare options, and pursue remedies. Like many other legal problems, this dynamic has its own philosophical

underpinnings.¹ The philosophical dimension is important to be outlined as it directly reflects the core idea and motivations behind legal norms and their subsequent implications.² In the case of consumer protection, the philosophical implications are wide and important to be understood as it directly affects consumer welfare,³ particularly in the face of emerging challenges that stem from the utilization of digital technology,⁴ which has significantly raised the volume of transactions and increase risks of consumer exploitation.⁵ Understanding the philosophy behind the existing legal norms can help assess whether or not the relevant framework has remained consistent, losing grip on emerging challenges, or deviating away from the main objectives of consumer protection. This can be done by utilizing the available philosophical frameworks that have been developed over the years throughout the literature.

In the specific context of digital ecosystems, consumer protection has been one of the most contentious legal issues, as it involves interdisciplinary aspects that affect each other in some degree and requires holistic approach in analysis.⁶ Legal fields such as cybersecurity laws, data protection, data privacy, and general governance of electronic systems all simultaneously affect the enforcement of consumer protection frameworks in the digital space, as the digital economy continues to grow exponentially.⁷ Unfortunately, information asymmetry remains one of the issues that persist in damaging consumer welfare, an issue that can cause ripple effects on many aspects of consumer welfare in many markets.⁸ Philosophically, this can represent a form of epistemic injustice, a term popularized by Miranda Fricker in 2007.⁹ This philosophical perspective presents a unique lens into the analysis regarding the problematic implications of information asymmetry to consumer welfare, in the face of growing complexity of many interactions between consumers and businesses in the age of digital economy.

This philosophical framework can offer valuable insight as it was first developed as a response to shortcomings of traditional approaches to injustice and their tendencies to overlook the distinctive category of wrongs done to individuals specifically in their capacity as knowers.¹⁰ This foundational work is rooted to the scholarship of virtue ethics, with a focus on utilizing epistemology and ethics. This framework aims to specifically address how social power dynamics can undermine certain groups' access to interpretive resources. The framework identifies two primary forms as the main lenses of analysis: testimonial injustice and hermeneutical injustice.¹¹ In the context of consumer protection, this can be utilized to explain how information asymmetries between businesses and consumers can only create not only market inefficiencies systematic epistemic problems that undermine consumers' fundamental capacity to understand their experiences within complex commercial relationships, along with their implications.

Urgency to improve consumer welfare and the overall enforcement of consumer protection to tackle the issue of information asymmetry is supported by empirical evidence. In Indonesia, the National Consumer Protection Agency received 1,708 public complaints in 2024, with 1,085 (63.5%)

¹ Philosophy and jurisprudence maintain an inseparable relationship that bridges the gap between abstract legal theory and practical implementation, with philosophical inquiry providing the methodological foundation essential for understanding law beyond mere state mechanics. See Oleg Grygor et al., "Correlation between Philosophy and Theory of State and Law," *Estudios de Economía Aplicada* 39, no. 5 (2021): 1-7, <https://doi.org/10.25115/eea.v39i5.4797>.

² Chris Maxwell, "Thinking Philosophically about Law: The Role of Moral and Political Reasoning in Shaping the Law," *Melbourne University Law Review* 47, no. 1 (December 2023): 229-50.

³ Welfare as a concept has often been utilized by neo-classical thinkers as a direct inheritor of utilitarian tradition, defined as "whatever agents choose for themselves when they have perfect information about their options and an exogenously arrived at well-ordered ranking of those options." See Luke Herrine, "What Is Consumer Protection For?," *Loyola Consumer Law Review* 34, no. 2 (2022): 222-88, <https://lawecommons.luc.edu/lclr/vol34/iss2/2/>.

⁴ Max N. Helveston, "Consumer Protection in the Age of Big Data," *Washington University Law Review* 93, no. 4 (2016): 859-917.

⁵ Muhammad Rizky et al., "Legal Liability Against Marketplace for Promotion of Inappropriate Goods That Harm Consumers," *International Journal of Social Service and Research* 5, no. 5 (May 2025): 478-84, <https://doi.org/10.46799/ijssr.v5i5.1226>.

⁶ Shmuel I. Becher and Jessica C. Lai, "In Consumer Protection We Trust? Re-Thinking the Legal Framework for Country of Origin Cases," *San Diego Law Review* 55 (2018): 539-76, <https://digital.sandiego.edu/sdlr/vol55/iss3/2/>.

⁷ Brahmantyo Suryo Satwiko, "Privacy and Data Protection: Indonesian Legal Framework," *Corporate and Trade Law Review* 1, no. 2 (2021): 98-118, <https://doi.org/10.21632/ctlr.1.2.98-118>.

⁸ Tiina Koskelainen et al., "Financial Literacy in the Digital Age—A Research Agenda," *Journal of Consumer Affairs* 57, no. 1 (January 9, 2023): 507-28, <https://doi.org/10.1111/joca.12510>.

⁹ Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford: Oxford University Press, 2007), <https://doi.org/10.1093/acprof:oso/9780198237907.001.0001>.

¹⁰ Fricker, p. 44.

¹¹ Fricker, pp. 147-152.

complaints related to financial services and e-commerce, showing that despite the growth, digital economy is followed by a multitude of consumer-related issues.¹² Similarly, the Philippines experienced a dramatic surge in consumer complaints, with the Department of Trade and Industry receiving nearly 28,000 complaints in 2022, accounting more than double the numbers shown before the pandemic, of which 12,200 (44%) involved online transactions.¹³ These figures suggest that there is an inherent disconnect between consumers and businesses in the digital ecosystems, which involves not only sellers leveraging e-commerce platforms, but also the companies behind those electronic platforms. This is further confirmed in Indonesia, as a study conducted across 28 of Indonesia's provinces involving 4,200 respondents reveals that consumers often lack adequate knowledge about their rights and complaint mechanisms.¹⁴ These data further solidify the urgency for legal intervention, particularly through the assessment of the existing regulatory frameworks, to identify potential normative deficiencies that exist and how they have contributed to the growing problems as highlighted by the data.

Literature Review

Analyses regarding consumer protection and how it is deeply affected by philosophical frameworks are extensive and have been continuously developed throughout decades in the literature. For example, a study conducted by Herrine (2022) focused on why consumer protection law is installed in the first place in a legal system.¹⁵ The study argues that there is a strong argument to be made that the study and its findings reflected the core issue and contentious debates regarding consumer protection laws, particularly regarding how it affects consumer welfare. It also crucially highlighted that in the realm of consumer protection law, there is a shortage of theoretical frameworks, due to how non-neoclassical theorists often do not talk about consumer protection law enough, due to the fixation on consumer sovereignty.¹⁶ This fixation on consumer sovereignty persists because, as the historical analysis by Esposito and Mastromatteo (2024) explains, the neoclassical paradigm maintains its dominance by absorbing non-neoclassical critiques of consumer irrationality as treatable "imperfections" or "anomalies" rather than as fundamental challenges to its core framework.¹⁷ These theoretical clashes and underdevelopment show that there is an angle in which philosophical frameworks could be utilized more to assist the relevant theoretical analysis around consumer protection issues, particularly those that are relevant today in the digital market.

In terms of information asymmetry in the digital ecosystem, literature have focused on how the scale of data collection by online platforms has transformed a classic economic problem into a new form of structural power. Cohen (2019) noted in his work that asymmetry is more than a simple lack of product information, explaining that it is indeed a profound imbalance where platforms possess vast and predictive knowledge about consumers while consumers barely know how the majority of their data processors work for the benefit of those platforms.¹⁸ This dynamic was also identified and later framed by Zuboff (2019) in the theory of "surveillance capitalism," which posits that this asymmetry is not just a market byproduct but also something that is central to the overall business model, which enables firms to modify and steer consumer behavior for their benefit.¹⁹ Still in the

¹² Mochamad Azhar, "How Indonesia Protects Consumers in the Digital Age through Education and Literacy," GovInsider, June 2025, <https://govinsider.asia/indo-id/article/how-indonesia-protects-consumers-in-the-digital-age-through-education-and-literacy>.

¹³ Alden M. Monzon, "Consumer Complaints Ballooned in 2022, Says DTI," Inquirer Business, April 2022.

¹⁴ Lilik Noor Yuliati and Megawati Simanjuntak, "Indonesian Consumer Complaint Behavior: The Role of Information Seeking, Knowledge, Purchase Behavior, and Tendency to Talk," *Global Business Finance Review* 29, no. 1 (February 2024): 57-71, <https://doi.org/10.17549/gbfr.2024.29.1.57>.

¹⁵ Herrine, "What Is Consumer Protection For?," p. 272.

¹⁶ This can be considered somewhat counterintuitive, as neoclassical economists typically think of consumers as rational actors, while non-neoclassical economists consider consumers, albeit implicitly, imperfect in rationality. Hence, one might logically expect, understandably so, that the school of thought viewing consumers as imperfectly rational would be more invested in developing legal frameworks to protect them from their own irrationality.

¹⁷ Lorenzo Esposito and Giuseppe Mastromatteo, "Behavioral Economics and the Nature of Neoclassical Paradigm," *Mind & Society* 23, no. 1 (2024): 45-78, <https://doi.org/10.1007/s11299-024-00303-y>.

¹⁸ Julie E Cohen, *Between Truth and Power: The Legal Constructions of Informational Capitalism* (Oxford: Oxford University Press, 2019), <https://doi.org/10.1093/oso/9780190246693.001.0001>, p. 178.

¹⁹ Shoshana Zuboff, "Surveillance Capitalism and the Challenge of Collective Action," *New Labor Forum* 28, no. 1 (January 24, 2019): 10-29, <https://doi.org/10.1177/1095796018819461>.

same realm, study conducted by Fletcher et al. (2023) highlighted the inherent asymmetry in the structure of digital platforms between platform providers and users as consumers.²⁰ The study critically underscored the inherent challenges that consumers face in this dynamic, such as limited information as well as a limited ability to process information, search and switching costs, cognitive limitations, and behavioral biases.

Shchory and Gal argue that issues within digital markets can no longer be understood only through the traditional lens of information gaps, due to the environment created by platform providers and their utilization of AI transactions assistance and other digital elements that affect how consumers make their decisions, which creates a distinct “choice gap” in which the platform provider as the intermediary effectively selects the product offered to the consumer.²¹ This shows that consumers may be harmed even where information is technically available, so long as the architecture of digital commerce narrows visibility, comparability, and meaningful control over choice, elements that according to Az-Zahra’, Nurlaily, and Agustianto (2025), could be detrimental to consumer welfare.²² This is further confirmed by De Bruin (2021) in a study on financial services, which demonstrates that epistemic injustice is not confined to healthcare, education, or courtroom settings. Rather, it can illuminate market relations where disadvantaged groups are treated as less credible knowers.²³ By showing how testimonial injustice and diminished epistemic self-confidence shape access to financial services, the study supports the broader claim that market inequalities may operate through material disadvantage and the wrongful devaluation of people’s capacity to know, interpret, and assert their interests. When it comes to regulatory capture, Luzak et al. (2023) underscore in a study that frameworks that are used to safeguard online consumer protection often rely on broad transparency formulas such as “plain and intelligible language,” covering surface-level consumer welfare issues while providing insufficient legal certainty about what meaningful compliance actually requires.²⁴ Hence, the

Taken together, there are three primary clusters identified in the body of literature: digital information asymmetry, disclosure and consumer protection standards, along with epistemic injustice. While these clusters are important evidence of significant legal scholarship development, they are mostly isolated despite the increasingly evident overlap due to rise of digital markets today. Most important, the absence of analysis on the regional context of Southeast Asia as one of the regions with rapidly developing digital economies, presents a fundamental need for a targeted legal study, with countries like Indonesia and the Philippines potentially being suitable for a normative-comparative analysis. These critical research gaps are what this study aims to fill, by utilizing the philosophical framework of epistemic injustice to explore the legal implications and their philosophical underpinnings in the context of information asymmetry. This article therefore examines whether information asymmetry in digital markets can be understood as a form of epistemic injustice and assesses how the consumer protection frameworks of Indonesia and the Philippines respond to that problem. The novelty this study lies in its utilization of epistemic injustice as the main analytical lens for evaluating the adequacy of these legal frameworks in the digital context. Despite the key limitation regarding the lack of empirical data regarding consumer perceptions regarding this issue and enforcement efficacy, the insights provided by this lens can nevertheless present valuable input into perhaps the deeper legal implications of consumer protection in the rapidly developing digital economy.

²⁰ Amelia Fletcher et al., “Consumer Protection for Online Markets and Large Digital Platforms,” *Yale Journal on Regulation* 40 (2023): 875-914, <https://www.yalejreg.com/print/consumer-protection-for-online-markets-and-large-digital-platforms/>.

²¹ Noga Blickstein Shchory and Michal S. Gal, “Voice Shoppers: From Information Gaps to Choice Gaps in Consumer Markets,” *Brooklyn Law Review* 88, no. 1 (2022): 111-62, <https://brooklynworks.brooklaw.edu/blr/vol88/iss1/3/>.

²² Putri Nabila Az-Zahra’, Nurlaily Nurlaily, and Agustianto Agustianto, “Regulating Dark Patterns in Indonesian E-Commerce: Comparative Lessons from South Korea and the EU,” *Journal of Judicial Review* 27, no. 2 (December 2, 2025): 421-52, <https://doi.org/10.37253/jjr.v27i2.11304>.

²³ Boudewijn de Bruin, “Epistemic Injustice in Finance,” *Topoi* 40, no. 4 (2021): 755-63, <https://doi.org/10.1007/s11245-019-09677-y>.

²⁴ J Luzak et al., “ABC of Online Consumer Disclosure Duties: Improving Transparency and Legal Certainty in Europe,” *Journal of Consumer Policy* 46, no. 3 (2023): 307-33, <https://doi.org/10.1007/s10603-023-09543-w>.

Research Design and Methodology

This study employs the normative legal research method, also known as juridical legal research method, to analyze the identified legal norms extracted from the relevant framework.²⁵ This typically involves the utilization of black letter law method to analyze secondary data in the form of primary law sources that are relevant to the legal issue being explored.²⁶ Furthermore, this study also employs the comparative approach to enable comparisons of findings, providing a broader perspective on legal developments in the face of emerging challenges. The selection of Indonesia and the Philippines as the legal systems in focus is rooted in the fact that these two economies are rapidly growing and currently have significant market share in the region, possibly capable of reflecting the broader regional dynamics of digital consumer exploitation and regulatory adaptation. Most importantly, this study is built upon the philosophical framework of epistemic injustice, as the main analytical tool to assess the normative structures in the relevant Indonesian and Philippine framework. In operational terms, the analysis focuses on three main legal issues that need to be addressed by the relevant normative architecture: disclosure standards, procedural injustice in complaint-handling mechanisms, and regulatory silence regarding algorithmic opacity and other digitally mediated practices that shape consumer understanding and decision-making.

The primary law sources used in this study include statutes and regulatory decrees from the two legal systems. From Indonesia, the study utilizes utilized in this paper include Law No. 8 of 1999 on Consumer Protection and Government Regulation No. 80 of 2019 on Commerce Through Electronic Systems. The primary law sources from the Philippine legal system are Republic Act No. 7394 known as the Consumer Act of the Philippines from 1992 and the Internet Transaction Act of 2023 along with its implementing rules and regulations. These primary law sources are dissected alongside secondary sources, including academic analyses of epistemic injustice and statistical enforcement reports from relevant national consumer agencies. The analytical flow of these data starts with the examination of principal consumer protection frameworks to identify rules on disclosure, complaint handling, and digitally mediated transactions, which is then followed by the mapping those provisions against testimonial and hermeneutical injustice to identify specific legal gaps. The insights gathered from these two analytical steps are then utilized to identify comparative patterns in the two legal systems, and to develop brief recommendations that Indonesia and the Philippines can consider.

Findings and Discussion

Information Asymmetry, Epistemic Injustice, and Consumer Welfare in the Digital Age

This section specifically highlights three main findings around the implication of information asymmetry, epistemic injustice, and consumer welfare in the digital age. First, consumers face a credibility deficit in disputes and complaint mechanisms, particularly where business actors control the relevant technical knowledge and evidentiary narrative. Second, consumers often lack the interpretive resources needed to understand Terms of Service, algorithmic systems, and data-driven commercial practices. Third, because of these epistemic disadvantages, the formal availability of information does not necessarily make disclosure meaningful or effective for consumers.

Welfare as a part of consumer protection conceptualization, as noted previously, is deeply tied to information symmetry.²⁷ From the human rights perspective, the core tenet of this discourse is that there is no subordinate individuals to society, which in the context of consumer protection means that human rights can serve as a means for balancing individual interests with those of a community

²⁵ Hari Sutra Disemadi, "Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies," *Journal of Judicial Review* 24, no. 2 (2022): 289-304, <https://doi.org/10.37253/jjr.v24i2.7280>.

²⁶ David Tan, "Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum," *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 8, no. 5 (2021): 2463-78, <https://jurnal.um-tapsel.ac.id/index.php/nusantara/article/view/5601>.

²⁷ Anthony A DeFusco, Huan Tang, and Constantine Yannelis, "Measuring the Welfare Cost of Asymmetric Information in Consumer Credit Markets," *Journal of Financial Economics* 146, no. 3 (2022): 821-40, <https://doi.org/10.1016/j.jfineco.2022.09.001>.

while simultaneously preserving individuality and fostering social cooperation.²⁸ Asymmetry, at least in the traditional economic sense, can be seen as a fundamental imbalance in the distribution of knowledge and information between consumers and market actors.²⁹ This imbalance becomes more evident and perhaps even more pervasive in digital ecosystems, supplemented by advanced technologies to collect, analyze, and utilize many kinds of data for the benefit of businesses and corporations behind the relevant platforms.³⁰ These methods are often difficult to grasp fully, if at all, particularly among casual users who are not well-versed in the utilization of digital technologies.³¹

Zuboff's foundational works around the concept of "surveillance capitalism" have exposed the hidden implications of digital corporations controlling and processing massive volumes of data.³² This work highlights an asymmetry that has evolved beyond simple lack of product information into a systematic extraction of behavioral data for predictive purposes.³³ This asymmetric relationship, in turn, creates structural disadvantages that can even fundamentally alter the nature of consumer-business interactions and ultimately damage consumer welfare by fostering uncertainty.³⁴ While platforms as data controllers can collect and process massive volumes of data for many profitable purposes, one of which is advertising, consumers often lack the knowledge required to understand how their data are processed leading up to advertising or personalization.³⁵ Information asymmetry is directly tied with the principle of justice in consumer protection, as it challenges the foundational assumption of equal standing between contracting parties.³⁶ The principle of justice in consumer protection, particularly in the contractual sense, assumes that both consumers and businesses enter transactions with reasonably equivalent access to relevant information and decision-making capabilities.³⁷ However, modern digital asymmetries can create a dynamic that may suggest the existence of an "epistemic inequality," where consumers are systematically disadvantaged just in accessing information. Not only that, their lack of inherent capacity to understand, process, and act upon the information that shapes their commercial experiences are often exploited for the benefits of businesses that operate within the digital ecosystems.

Therefore, it is safe to assume that information asymmetry constitutes epistemic injustice because it systematically undermines consumers' capacity as knowers within commercial relationships. This implication fits the description that Fricker made as a framework of testimonial and hermeneutical injustice. Testimonial injustice occurs often without the realization of consumers

²⁸ Richard Mackenzie-Gray Scott, "Supererogatory Consumer Choices Grounded in the Human Right to Privacy," *International Journal of Law and Information Technology* 33 (January 2025): 1-30, <https://doi.org/10.1093/ijlit/eaaf010>. Supererogatory consumer choice is one of the ways that consumers have tried to deal with issue surrounding their welfare. However, this collective action may not be adequate in addressing an issue that is so systemic and is hard to even be pointed out to the relevant legal enforcement agencies and perhaps ironically, consumers themselves. See also Shoshana Zuboff, "Surveillance Capitalism and the Challenge of Collective Action," *New Labor Forum* 28, no. 1 (January 2019): 10-29, <https://doi.org/10.1177/1095796018819461>.

²⁹ Silvia Massa et al., "Digital Technologies and Knowledge Processes: New Emerging Strategies in International Business. A Systematic Literature Review," *Journal of Knowledge Management* 27, no. 11 (January 2023): 330-87, <https://doi.org/10.1108/JKM-12-2022-0993>.

³⁰ Heri Erlangga et al., "Consumer Behavior in The Digital Age: A Qualitative Analysis of Online Shopping Patterns in Indonesia," *Majalah Ilmiah Bijak* 21, no. 2 (December 2024): 424-32, <https://doi.org/10.31334/bijak.v21i2.4334>. Data can also be collected and processed under the guise of 'public benefit', by improving service quality of the relevant digital platform, which can benefit other users. However, the utilization of this ultimately benefits the businesses and corporations behind the said digital platform, while users whose data are commercialized still face serious inherent risks to their privacy. See also Sarit Markovich and Yaron Yehezkel, "'For the Public Benefit': Data Policy in Platform Markets," *Journal of Economics & Management Strategy* 33, no. 3 (August 2024): 652-85, <https://doi.org/https://doi.org/10.1111/jems.12588>.

³¹ Kelly D Martin and Patrick E Murphy, "The Role of Data Privacy in Marketing," *Journal of the Academy of Marketing Science* 45, no. 2 (2017): 135-55, <https://doi.org/10.1007/s11747-016-0495-4>.

³² Zuboff, "Surveillance Capitalism and the Challenge of Collective Action."

³³ Shoshana Zuboff, "Caveat Usor: Surveillance Capitalism as Epistemic Inequality," in *After the Digital Tornado: Networks, Algorithms, Humanity*, ed. Kevin Werbach (Cambridge: Cambridge University Press, 2020), 174-214.

³⁴ Kenneth Lipartito, "Surveillance Capitalism: Origins, History, Consequences," *Histories* 5, no. 1 (2025): 1-13, <https://doi.org/10.3390/histories5010002>.

³⁵ Nurlaily Nurlaily et al., "Digital Advertising as a Threat to Consumer Privacy: A Comparative Legal Analysis," *QONUN: Jurnal Hukum Islam Dan Perundang-Undangan* 9, no. 2 (February 9, 2026): 359-88, <https://doi.org/10.21093/qj.v9i2.12656>.

³⁶ Kusman Hasan and Roy Marthen Moonti, "Perlindungan Hukum Bagi Nasabah Dalam Perjanjian Kredit Bank," *Mahkamah: Jurnal Riset Ilmu Hukum* 2, no. 3 (June 2025): 179-93, <https://doi.org/10.62383/mahkamah.v2i3.825>.

³⁷ Before the development of specialized consumer protection doctrines, courts and legal authorities presumed that commercial parties possessed relatively equivalent bargaining positions and access to relevant market information, requiring evidence of competitive harm rather than consumer injury alone to establish legal violations. These traditional approaches assumed that markets would generally self-correct through balanced competition and that parties could engage in meaningful legal contest on roughly equal terms. See Lucas Herrine, "At the Nexus of Antitrust & Consumer Protection," *Utah Law Review* 2023, no. 4 (2023): 849-86, <https://doi.org/10.26054/0d-3mrj-7d89>.

when their credibility is systematically deflated in commercial disputes, particularly due to the perceived superior expertise of businesses and their technical representatives.³⁸ The power imbalance inherent in information asymmetry means that when consumers raise concerns about products, services, or practices,³⁹ their testimonies are frequently dismissed or given insufficient credibility compared to business explanations.⁴⁰ This credibility deficit is not based on the actual merit of consumer claims but rather on prejudicial assumptions about consumers' technical knowledge and understanding of complex commercial systems.

Hermeneutical injustice, on the other hand, manifests when information asymmetry creates gaps in collective interpretive resources. This leaves consumers unable to adequately understand or articulate their experiences within the digital ecosystem. Rapid advancement of algorithmic decision-making and data processing, followed by automated systems has created a situation where consumers lack the conceptual tools to comprehend how their data is being used, how prices are determined, or how their choices are being influenced by the algorithm. Even with Terms of Service, albeit ubiquitous in digital environments, there is no guarantee that consumers can even understand what is being laid out in front of them, due to the highly technical nature of the terms used in the contractual agreement.⁴¹ Worse, some platforms are intentionally using these difficult terms to confuse users as consumers into submission, to just accept the terms without adequate understanding.⁴² This hermeneutical gap represents not only a simple individual ignorance but also a systematic exclusion of consumer perspectives from the development of interpretive frameworks that govern digital commercial relationships, or the lack thereof.

The epistemic injustice framework reveals how information asymmetry in consumer relations represents more than market inefficiency. Constituting a fundamental violation of consumers' epistemic dignity and autonomy, it shows that this is indeed an epistemic problem that needs to be urgently tackled with the relevant legal frameworks. The reality of the current consumer-businesses is that businesses possess vastly superior knowledge about consumer behavior, preferences, and vulnerabilities, while consumers remain largely uneducated of how this knowledge is acquired and deployed. This relationship of systematic epistemic domination particularly operates at the level of knowledge production and interpretation, shaping not only what consumers know but how they understand their own experiences and interests within commercial contexts.

Digital platforms systematically create "epistemic injustices" in a covert manner through algorithmic filtering and personalized content delivery that consumers rarely recognize or understand. When search engines and social media platforms determine what information reaches users' awareness, they fundamentally shape not only what consumers know but also what they perceive as possible within commercial relationships. These everyday manifestations of epistemic control operate through seemingly neutral technological processes while creating profound asymmetries in how different consumer groups access, interpret, and respond to commercial information, all for the benefit of businesses.⁴³

³⁸ Fricker, *Epistemic Injustice: Power and the Ethics of Knowing*, p. 17.

³⁹ Panagiotis Barkas, "Consumer Protection and Financial Innovation: Microeconomic, Policy, and Behavioral Considerations for the Digital Era," in *Finance, Growth and Democracy: Connections and Challenges in Europe and Latin America in the Era of Permacrisis: Democracy, Finance, and Growth*, ed. Dimitris Katsikas, Maria Antonieta Del Tedesco Lins, and Andrea Ribeiro Hoffmann (Cham: Springer Nature Switzerland, 2025), 263-85, https://doi.org/10.1007/978-3-031-68475-3_17.

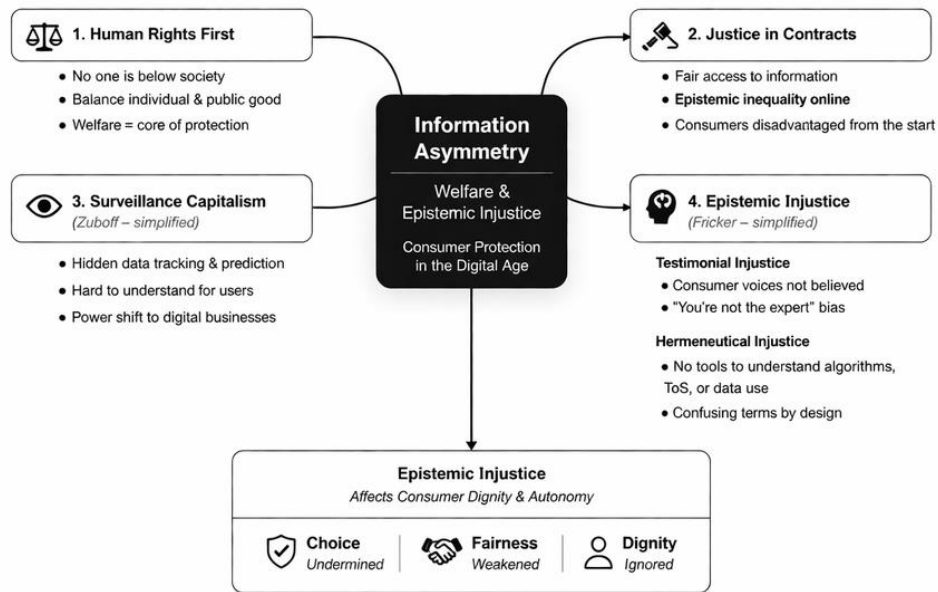
⁴⁰ Shchory and Gal, "Voice Shoppers: From Information Gaps to Choice Gaps in Consumer Markets."

⁴¹ Tim R Samples, Katherine Ireland, and Caroline Kraczon, "TL;DR: The Law and Linguistics of Social Platform Terms-of-Use," *Berkeley Technology Law Journal* 39, no. 1 (2024): 47-108, <https://doi.org/10.15779/Z38HT2GC9C>.

⁴² Johnathan Yerby and Ian Vaughn, "Deliberately Confusing Language in Terms of Service and Privacy Policy Agreements," *Issues In Information Systems* 23, no. 2 (2022): 138-49, https://doi.org/10.48009/2_iis_2022_112.

⁴³ Marcus Goncalves et al., "Neuromarketing Algorithms' Consumer Privacy and Ethical Considerations: Challenges and Opportunities," *Cogent Business & Management* 11, no. 1 (December 2024): 2333063, <https://doi.org/10.1080/23311975.2024.2333063>.

Figure 1.
Information Asymmetry and Epistemic Injustice in Digital Consumer Protection



Source: Authors' analysis

Information asymmetry has become a central issue in modern consumer protection, especially within digital markets where businesses possess significantly more knowledge than consumers. Rooted in human rights principles, consumer welfare depends on fair access to information and the ability to make informed decisions. However, the rise of digital platforms and data-driven business models often described as surveillance capitalism has intensified this imbalance. Companies collect and analyze vast amounts of behavioral data, creating structural advantages that are difficult for ordinary consumers to understand or challenge. This imbalance goes beyond economic inefficiency and leads to what is known as epistemic injustice. Consumers are not only less informed but are also disadvantaged in their ability to interpret, question, and respond to market practices. Testimonial injustice occurs when consumer voices are undervalued, while hermeneutical injustice arises when consumers lack the conceptual tools to understand complex systems like algorithms and terms of service. As a result, information asymmetry undermines autonomy, fairness, and dignity, making it a critical issue that must be addressed through stronger legal and regulatory frameworks.

Therefore, it is evident that information asymmetry in digital markets is not merely a problem of unequal access to information, but a deeper epistemic problem that undermines consumer autonomy, welfare, and effective participation in commercial relationships. These findings serve as important anchors that can be utilized for normative analysis in the next section, where the assessment will identify legal gaps that may contribute to the problems identified. More importantly, the next section primarily examines whether the consumer protection frameworks of Indonesia and the Philippines are normatively equipped to respond to these testimonial and hermeneutical harms, particularly through disclosure standards, complaint-handling mechanisms, and rules capable of addressing algorithmic opacity.

Normative Assessment and Epistemic Injustice Implications

Utilizing the findings of the previous subsection, the analysis done within this subsection highlights three primary findings. First, the principal consumer protection norms in both Indonesia and the Philippines still articulate disclosure and fairness in broad terms, but do not establish sufficiently clear standards for information that is understandable, verifiable, and responsive to digital transactions. Second, neither framework is adequately equipped to address epistemic harms arising from contemporary digital practices, particularly algorithmic opacity and inequality in complaint handling. Third, while both jurisdictions contain provisions that can be read as addressing

testimonial or hermeneutical injustice, these remain fragmented and insufficiently operationalized as concrete consumer protection standards.

In the light economic reforms post monetary crisis, Indonesia brought many changes to its legal system in exchange for financial help from the International Monetary Fund (IMF). One of those developments was Law No. 8 of 1999 on Consumer Protection, which came as a rescue from a legal field that did not receive enough attention during the New Order era.⁴⁴ From the black letter law standpoint, this framework seems to have covered the fundamental needs of consumer protection. However, the issue of information asymmetry requires far deeper analysis and interpretations, including pattern recognition of normative structures and enforcement goals, to unmask how consumer welfare is taken into account, particularly in the digital context. It's important to analyze the deeper normative implications of Consumer Protection Law to assess Indonesia's adequacy in tackling with this systemic issue.

Table 1.
Analysis of Indonesia's Framework for Consumer Protection

Article	Provision	Epistemic Addressed	Injustice	Critical Gaps
Article 4(c)	(consumer rights include: ...) "The right to correct, clear, and honest information regarding the condition and guarantee of goods and/or services"	Testimonial Establishes as epistemic deserving information	Injustice: consumers legitimate agents credible	No standards for clear' information indicated. Also no follow-up found in the Law
Article 7(b)	(responsibilities of businesses include: ...) "Provide correct, clear and honest information regarding the condition and guarantee of goods and/or services as well as provide explanations on usage, repair and maintenance"	Hermeneutical Injustice: knowledge from expert to consumers	Mandates transfer producers	No requirement for information verification; lacks follow-up provisions for digital/complex products
Article 8(i)	(Prohibition against selling or producing products/services that: ...) "Do not attach labels or create explanations for goods containing the name of goods, size, weight/net content, composition, usage rules, manufacturing date, side effects, name and address of business actor and other information for usage that according to provisions must be attached/made"	Systematic Exclusion: Criminalizes deliberate withholding	Epistemic information	Limited to physical labeling; inadequate for service-based or digital transactions
Article 9(1)	"Business actors are prohibited from offering, promoting, advertising goods and/or services incorrectly, and/or as if: [various false quality/condition claims]"	Testimonial via False Prohibits manipulation through deceptive signaling	Injustice: Credibility: epistemic through signaling	No provisions for information verification systems; inadequate for algorithmic or personalized marketing

Source: Primary law (Law No. 8 of 1999 on Consumer Protection) and authors' analysis

The Indonesian framework reveals a consistent pattern of the law recognizing the importance of correct and clear information.⁴⁵ However, this recognition is not operationalized as it covers a high level of generality, lacking operational standards that would make those guarantees effective in

⁴⁴ Suhaila Zulkifli et al., "Perlindungan Hukum Konsumen Terhadap Barang Yang Hilang Atau Rusak Pada Aplikasi Jual Beli Secara Online," *Jurnal Interpretasi Hukum* 4, no. 2 (August 2023): 255-61, <https://doi.org/10.22225/juinhum.4.2.7775.255-261>.

⁴⁵ Owen Santiago, Ampuan Situmeang, and Nurlaily Nurlaily, "Consumer Protection Against the Sale of Counterfeit Products in E-Commerce: A Human Rights and Legal Certainty Perspective in Indonesia," *Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsyiyah* 8, no. 1 (April 27, 2025): 221-39, <https://doi.org/10.58824/mediasas.v8i1.288>.

digital markets. Across the provisions examined, the main weaknesses are the absence of criteria for understandable and verifiable disclosure, the limited adaptation of disclosure duties to service-based and platform-mediated transactions, and the lack of safeguards against epistemic harms that emerge in complaint processes and technologically complex transactions.

In the wake of constitutional reforms and a growing commitment to social justice, the Philippines undertook a significant overhaul of its consumer protection regime with the enactment of Republic Act No. 7394, otherwise known as the Consumer Act of the Philippines, in 1992. This framework remains the main primary law source governing consumer protection in the Philippines, which has also seen significant surge in the usage of digital platforms.⁴⁶

Table 2.
 Analysis of the Philippine’s Framework for Consumer Protection

Article	Provision	Epistemic Addressed	Injustice	Critical Gaps
Article 2(b)	"Protection against deceptive, unfair and unconscionable sales acts and practices"	Testimonial Prohibits knowledge gaps through fraudulent claims	Injustice: exploitation of knowledge gaps through	Too broad and may not account for the covert nature of digital information asymmetry
Article 5(c)	"Provision of information and education to facilitate sound choice"	Hermeneutical Mandates knowledge transfer to empower decision-making	Injustice: knowledge transfer consumer	Direct, albeit implicit acknowledgement of hermeneutical justice, not followed by substantive standards of information and education given to consumers
Article 85(f)	(misabeled food) "word or statement of other information ... to appear on the principal display panel ... is not prominently place thereon with such conspicuousness as compared with other words, statements, ... in such terms as to render it likely to be read and understood by the ordinary individual ...;"	Hermeneutical Explicitly governs the use of manipulative languages and designs that can hide the information and limit understanding	Injustice:	Strongest manifestation of hermeneutical justice, but unfortunately only applies to food items.
Article 89(1)	"Labeling requirements: [...] common or usual name of the hazardous substance [...] frank statement of principal hazards"	Hermeneutical Demands disclosure of dangers	Injustice: plain-language	Strong foundation for hermeneutical justice but only applies to elements that constitute as hazards

Source: Primary Law (Republic Act No. 7394) and authors’ analysis

A comparative reading of both frameworks shows that Indonesia and the Philippines share the same structural weakness, where both recognize consumer protection and disclosure as legal concerns, yet neither translates those commitments into concrete standards of epistemic justice. Indonesia’s framework is weaker in that its disclosure guarantees remain highly general and are not meaningfully adapted to digital consumer relationships. The Philippine framework can be considered relatively stronger at the level of hermeneutical concern, due to some provisions directly acknowledging intelligibility, consumer education, and the need for information to be read and understood. Despite these noticeable strengths, the norms remain sector-specific and are not

⁴⁶ Retno Sari Dewi, Dwiatmanto Dwiatmanto, and Surjanti Surjanti, "Comparison of Consumer Protection Laws Between Indonesia, the Philippines, and South Korea in Achieving Justice," *SASI* 30, no. 2 (June 2024): 169-82, <https://doi.org/10.47268/sasi.v30i2.2048>.

developed into general standards applicable to digital commerce as a whole. While having covered the fundamentals of consumer protection, both countries fail to adequately provide information asymmetry in a deeper manner, particularly due to the lack of standards regarding transparency-related provisions. Main deficiencies such as the lack of standards for information disclosure and languages used for contractual agreements remain the biggest issues for consumers in the context of information asymmetry.

There is a strong argument to be made, understandably so, that perhaps it is unrealistic to expect the main framework for consumer protection to cover the digital nature of information asymmetry today.⁴⁷ Albeit not entirely wrong, this argument is not rooted in the philosophical nature of the analysis regarding epistemic injustice. For the more recent regulations to be able to grasp the systemic nature of the possible negative implications of information asymmetry, the foundational, “main” framework must be able to cover or at the very least anticipate ways that businesses may be able to exploit as legal loopholes to benefit themselves while harming consumer welfare. Within this specific discussion, this quote that defines welfare in the context of consumer protection rings even more true “*whatever agents choose for themselves when they have perfect information about their options and an exogenously arrived at well-ordered ranking of those options.*”⁴⁸

How can consumers even understand what kind of justice or other relevant principles they need to pursue, when they do not even have the full picture and adequate understanding of the information? This is the very essence of welfare that both the Indonesian and Philippine framework for consumer protection ultimately failed to address. Therefore, while it is true that it is quite unfair to expect a full comprehension and firm grasp over this systemic issue to be reflected in both countries’ frameworks, the lack of basic standards for information disclosure and the lack of acknowledgement on digital-related focus ultimately become the main shortcomings that need to be addressed. Interestingly, the Philippines has a much stronger foundation of normative structures that are aware of the possible hermeneutical injustice, even including the acknowledgement of facilitating sound choice and education for consumers, but unfortunately not equipped with follow-up provisions on basic standards that can actually be applied.

The core normative implication from these findings can perhaps be explained in two levels of depth: surface level and the deeper level. On the surface level, there is a lack of regulatory capture for what can be considered one of the most essential elements of consumer protection, namely the capacity of consumers to receive, understand, verify, and act upon information in a meaningful way. On a deeper level, this issue can be attributed to the lack of regulatory recognition and protection of consumers as epistemic actors, which stems from the core framing of the relevant normative elements and the applicability of general norms in the digital context. Normatively, these findings indicate that reform should move beyond general duties of honesty or fairness and toward more operational standards of epistemic protection. An ideal consumer protection framework should at the very least require plain-language disclosure, verifiability of material information, and digital-responsive obligations that address how information is actually accessed and understood in platform environments. In addition, both jurisdictions should develop standards for transparency and contestability of algorithmic decisions, as well as fair complaint-handling mechanisms that reduce testimonial disadvantage and provide consumers with meaningful interpretive support when disputes arise.

⁴⁷ The rapid evolution of digital consumer environments has created new forms of vulnerability and asymmetry that existing legal frameworks may struggle to accommodate systematically. Various attempts have been made by regulatory authorities to extend traditional consumer protection principles to digital contexts, which unfortunately have often resulted in fragmented, reactive approaches rather than comprehensive solutions tailored to the unique characteristics of digital commerce. The structural differences between traditional and digital markets, including issues of algorithmic manipulation, data asymmetries, platform-mediated relationships, and automated decision-making systems, raise fundamental questions about whether it is reasonable to expect decades-old legal frameworks to effectively govern these specialized aspects of consumer protection. Nevertheless, the main concern remains: is it really realistic to rely on existing frameworks when those frameworks can leave significant protection gaps and create unrealistic expectations for both regulators and market participants? See M Namysłowska, “The Silent Death of EU Consumer Law and Its Resilient Revival: Reinventing Consumer Protection Against Unfair Digital Commercial Practices,” *Journal of Consumer Policy* 48, no. 3 (2025): 317-36, <https://doi.org/10.1007/s10603-025-09590-5>.

⁴⁸ Herrine, “What Is Consumer Protection For?”

Counterargument's Analysis

A possible counterargument is that it is unrealistic to expect older core consumer protection statutes to address the full complexity of digital information asymmetry. From this particular perspective, the more appropriate place to look for protection is in newer digital-commerce regulations specifically designed for online transactions. However, further assessments of the digital-related regulations also reveal a number of critical problems., Indonesia relies on Government Regulation No. 80 of 2019 on Commerce Through Electronic Systems (E-Commerce GR) for digital-related commerce, which automatically involves many elements of consumer protection.⁴⁹ Article 27(2) letter d governs the need for a competent officer in processing complaint services. While seemingly good for the processing of complaints, this inherently creates an imbalance of knowledge and information when compared to consumers, leaving them prone to testimonial injustice as they can get easily dismissed. Furthermore, Articles 55 and 39(1) mandate the use of *Bahasa Indonesia* and details regarding risks and expected condition respectively, but none of these two provisions imply the need for any standard that directly benefits consumers understanding.

In the case of the Philippines, weaknesses are also found within the implementing rules and regulation (IRR) of the country's latest Internet Transaction Act (2023). The Act through Section 10(j) governs the need for "*education and information programs for consumers*" but burdens this responsibility on the government instead of businesses, who are the main benefactor of epistemic injustice in the case of information asymmetry. Additionally, the provision of Section 38 even directly reflects a form of testimonial injustice, as platforms are allowed to exhaust the complaints made by a consumer against a specific transaction, by simply leaving them unresolved without the need for robust justification or mandatory complaint rejection notification. Lastly, the regulation also reflects Indonesia's simplistic approach for hermeneutical justice by only requiring the use of Filipino and English as for the information required to be disclosed to consumers in Section 34(d)(1) without any standard that can take into account consumers' understanding.

Based on these two analyses, it is apparent that even with the support of key regulations that are more digitally relevant, the two countries still fail in addressing the epistemic injustice that lies within the digital ecosystem. Most importantly, the analysis ultimately shows that the normative deficiencies are systemic in nature, as gaps in fundamental frameworks on consumer protection eventually manifest in the more specific regulations, deflating the argument that the age of a regulation as the primary reason behind the identified gaps. Therefore, these new results support the initial assumption that without robust consumer protection mechanisms to prevent—or at the very least predict the legal loopholes that businesses can exploit to create information asymmetry as a form of epistemic injustice—it is ultimately fair to expect that such epistemic injustice will be largely unaddressed in later, more recent regulations, is proven to be accurate.

Conclusion

Comprehensive analyses through this study have revealed that information asymmetry is not just a mere imbalance of economic interests; it is a form of epistemic injustice, due to its undermining of consumers in their capacity as knowers. From the normative ground, the study has conclusive shown that both countries are still reliant on norms that are too generalized to be interpreted specifically in any meaningful way for the purpose of tackling information asymmetry. Not only that, the assumption on this assessment being unfair due to the foundational nature of norms presented in consumer protection frameworks has also been proven to be inaccurate, as digitally relevant regulations also reveal critical normative gaps, which can be attributed to the lack of fundamental norms from the consumer protection domain around the prevention of epistemic injustice. Therefore, this study suggests a comprehensive review and consideration for possible amendments of the main frameworks for consumer protection, followed by the construction of norms that move beyond general duties of honesty or fairness and toward a concrete standard that operationalizes the concept

⁴⁹ Mira Widiartary and Putu Devi Yustisia Utami, "Perlindungan Hukum Terhadap Konsumen Terkait Penjualan Produk Barang Palsu Dengan Bundling Secara E-Commerce," *Kertha Semaya : Journal Ilmu Hukum*; Vol 11 No 5 (2023) 11, no. 5 (2023): 959-74, <https://doi.org/10.24843/KS.2023.v11.i05.01>.

of epistemic protection. Issues that remain unresolved in this study would be the opacity of algorithms and the subsequent complaint-handling inequality, with the former requiring extensive technical knowledge on machine learning and the latter requiring a more detailed institutional and procedural analysis of how consumer complaints are assessed, processed, and resolved in practice. The main limitation of this study is its lack of empirical evidence on enforcement effectiveness, which could be an angle worth exploring by future research. Nevertheless, the findings of this study contribute to the rapidly developing body of literature around consumer protection, as the domain continues to face evolving challenges that stem from digital transformation.

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References

- Azhar, Mochamad. "How Indonesia Protects Consumers in the Digital Age through Education and Literacy." GovInsider, June 2025. <https://govinsider.asia/indo-id/article/how-indonesia-protects-consumers-in-the-digital-age-through-education-and-literacy>.
- Barkas, Panagiotis. "Consumer Protection and Financial Innovation: Microeconomic, Policy, and Behavioral Considerations for the Digital Era." In *Finance, Growth and Democracy: Connections and Challenges in Europe and Latin America in the Era of Permacrisis: Democracy, Finance, and Growth*, edited by Dimitris Katsikas, Maria Antonietta Del Tedesco Lins, and Andrea Ribeiro Hoffmann, 263-85. Cham: Springer Nature Switzerland, 2025. https://doi.org/10.1007/978-3-031-68475-3_17.
- Becher, Shmuel I., and Jessica C. Lai. "In Consumer Protection We Trust? Re-Thinking the Legal Framework for Country of Origin Cases." *San Diego Law Review* 55 (2018): 539-76. <https://digital.sandiego.edu/sdlr/vol55/iss3/2/>.
- Bruin, Boudewijn de. "Epistemic Injustice in Finance." *Topoi* 40, no. 4 (2021): 755-63. <https://doi.org/10.1007/s11245-019-09677-y>.
- Cohen, Julie E. *Between Truth and Power: The Legal Constructions of Informational Capitalism*. Oxford: Oxford University Press, 2019. <https://doi.org/10.1093/oso/9780190246693.001.0001>.
- DeFusco, Anthony A, Huan Tang, and Constantine Yannelis. "Measuring the Welfare Cost of Asymmetric Information in Consumer Credit Markets." *Journal of Financial Economics* 146, no. 3 (2022): 821-40. <https://doi.org/10.1016/j.jfineco.2022.09.001>.
- Dewi, Retno Sari, Dwiatmanto Dwiatmanto, and Surjanti Surjanti. "Comparison of Consumer Protection Laws Between Indonesia, the Philippines, and South Korea in Achieving Justice." *SASI* 30, no. 2 (June 2024): 169-82. <https://doi.org/10.47268/sasi.v30i2.2048>.
- Disemadi, Hari Sutra. "Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies." *Journal of Judicial Review* 24, no. 2 (2022): 289-304. <https://doi.org/10.37253/jjr.v24i2.7280>.
- Erlangga, Heri, Tita Setiawati, Farid Riadi, Ida Hindarsah, and Dini Riani. "Consumer Behavior in The Digital Age: A Qualitative Analysis of Online Shopping Patterns in Indonesia." *Majalah Ilmiah Bijak* 21, no. 2 (December 2024): 424-32. <https://doi.org/10.31334/bijak.v21i2.4334>.
- Esposito, Lorenzo, and Giuseppe Mastromatteo. "Behavioral Economics and the Nature of Neoclassical Paradigm." *Mind & Society* 23, no. 1 (2024): 45-78. <https://doi.org/10.1007/s11299-024-00303-y>.
- Fletcher, Amelia, Gregory S. Crawford, Jacques Crémer, David Dinielli, Paul Heidhues, Michael Luca, Tobias Salz, et al. "Consumer Protection for Online Markets and Large Digital Platforms." *Yale Journal on Regulation* 40 (2023): 875-914. <https://www.yalejreg.com/print/consumer-protection-for-online-markets-and-large-digital-platforms/>.
- Fricker, Miranda. *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford: Oxford University Press, 2007. <https://doi.org/10.1093/acprof:oso/9780198237907.001.0001>.

- Goncalves, Marcus, Hu Yiwei, Aliagas Irene, and Luis Manuel and Cerdá. "Neuromarketing Algorithms' Consumer Privacy and Ethical Considerations: Challenges and Opportunities." *Cogent Business & Management* 11, no. 1 (December 2024): 2333063. <https://doi.org/10.1080/23311975.2024.2333063>.
- Grygor, Oleg, Yuri Krysiuk, Angela Boyko, Vadim Zubov, and Igor Sinegub. "Correlation between Philosophy and Theory of State and Law." *Estudios de Economia Aplicada* 39, no. 5 (2021): 1-7. <https://doi.org/10.25115/eea.v39i5.4797>.
- Hasan, Kusman, and Roy Marthen Moonti. "Perlindungan Hukum Bagi Nasabah Dalam Perjanjian Kredit Bank." *Mahkamah: Jurnal Riset Ilmu Hukum* 2, no. 3 (June 2025): 179-93. <https://doi.org/10.62383/mahkamah.v2i3.825>.
- Helveston, Max N. "Consumer Protection in the Age of Big Data." *Washington University Law Review* 93, no. 4 (2016): 859-917.
- Herrine, Lucas. "At the Nexus of Antitrust & Consumer Protection." *Utah Law Review* 2023, no. 4 (2023): 849-86. <https://doi.org/10.26054/0d-3mrj-7d89>.
- Herrine, Luke. "What Is Consumer Protection For?" *Loyola Consumer Law Review* 34, no. 2 (2022): 222-88. <https://lawcommons.luc.edu/lclr/vol34/iss2/2/>.
- Lipartito, Kenneth. "Surveillance Capitalism: Origins, History, Consequences." *Histories* 5, no. 1 (2025): 1-13. <https://doi.org/10.3390/histories5010002>.
- Luzak, J, A J Wulf, O Seizov, M B M Loos, and M Junuzović. "ABC of Online Consumer Disclosure Duties: Improving Transparency and Legal Certainty in Europe." *Journal of Consumer Policy* 46, no. 3 (2023): 307-33. <https://doi.org/10.1007/s10603-023-09543-w>.
- Mackenzie-Gray Scott, Richard. "Supererogatory Consumer Choices Grounded in the Human Right to Privacy." *International Journal of Law and Information Technology* 33 (January 2025): 1-30. <https://doi.org/10.1093/ijlit/eaaf010>.
- Markovich, Sarit, and Yaron Yehezkel. "'For the Public Benefit': Data Policy in Platform Markets." *Journal of Economics & Management Strategy* 33, no. 3 (August 2024): 652-85. <https://doi.org/https://doi.org/10.1111/jems.12588>.
- Martin, Kelly D, and Patrick E Murphy. "The Role of Data Privacy in Marketing." *Journal of the Academy of Marketing Science* 45, no. 2 (2017): 135-55. <https://doi.org/10.1007/s11747-016-0495-4>.
- Massa, Silvia, Maria Carmela Annosi, Lucia Marchegiani, and Antonio Messeni Petruzzelli. "Digital Technologies and Knowledge Processes: New Emerging Strategies in International Business. A Systematic Literature Review." *Journal of Knowledge Management* 27, no. 11 (January 2023): 330-87. <https://doi.org/10.1108/JKM-12-2022-0993>.
- Maxwell, Chris. "Thinking Philosophically about Law: The Role of Moral and Political Reasoning in Shaping the Law." *Melbourne University Law Review* 47, no. 1 (December 2023): 229-50.
- Monzon, Alden M. "Consumer Complaints Ballooned in 2022, Says DTI." *Inquirer Business*, April 2022.
- Namysłowska, M. "The Silent Death of EU Consumer Law and Its Resilient Revival: Reinventing Consumer Protection Against Unfair Digital Commercial Practices." *Journal of Consumer Policy* 48, no. 3 (2025): 317-36. <https://doi.org/10.1007/s10603-025-09590-5>.
- Nurlaily Nurlaily, Lu Sudirman, Mimi Sintia Mohd Bajury, Hari Disemadi, and Ninne Silviani. "Digital Advertising as a Threat to Consumer Privacy: A Comparative Legal Analysis," *QONUN: Jurnal Hukum Islam Dan Perundang-Undangan* 9, no. 2 (February 9, 2026): 359-88, <https://doi.org/10.21093/qj.v9i2.12656>.
- Owen Santiago, Ampuan Situmeang, and Nurlaily Nurlaily, "Consumer Protection Against the Sale of Counterfeit Products in E-Commerce: A Human Rights and Legal Certainty Perspective in Indonesia," *Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsyiyah* 8, no. 1 (April 27, 2025): 221-39, <https://doi.org/10.58824/mediasas.v8i1.288>.
- Putri Nabila Az-Zahra', Nurlaily Nurlaily, and Agustianto Agustianto, "Regulating Dark Patterns in Indonesian E-Commerce: Comparative Lessons from South Korea and the EU," *Journal of Judicial Review* 27, no. 2 (December 2, 2025): 421-52, <https://doi.org/10.37253/jjr.v27i2.11304>.
- Rizky, Muhammad, Fatih Muhammad Azizi, Mohamad Rizki Nasution, Alip Rahman, and Agus Dimiyati. "Legal Liability Against Marketplace for Promotion of Inappropriate Goods That Harm Consumers." *International Journal of Social Service and Research* 5, no. 5 (May 2025): 478-84. <https://doi.org/10.46799/ijssr.v5i5.1226>.
- Samples, Tim R, Katherine Ireland, and Caroline Kraczon. "TL;DR: The Law and Linguistics of Social Platform Terms-of-Use." *Berkeley Technology Law Journal* 39, no. 1 (2024): 47-108. <https://doi.org/10.15779/Z38HT2GC9C>.
- Satwiko, Brahmantyo Suryo. "Privacy and Data Protection: Indonesian Legal Framework." *Corporate and Trade Law Review* 1, no. 2 (2021): 98-118. <https://doi.org/10.21632/ctrl.1.2.98-118>.

- Shchory, Noga Blickstein, and Michal S. Gal. "Voice Shoppers: From Information Gaps to Choice Gaps in Consumer Markets." *Brooklyn Law Review* 88, no. 1 (2022): 111-62. <https://brooklynworks.brooklaw.edu/blr/vol88/iss1/3/>.
- Tan, David. "Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum." *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 8, no. 5 (2021): 2463-78. <https://jurnal.um-tapsel.ac.id/index.php/nusantara/article/view/5601>.
- Tiina Koskelainen, Panu Kalmi, Eusebio Scornavacca, and Tero Vartiainen. "Financial Literacy in the Digital Age—A Research Agenda," *Journal of Consumer Affairs* 57, no. 1 (January 9, 2023): 507-28, <https://doi.org/10.1111/joca.12510>.
- Widiantary, Mira, and Putu Devi Yustisia Utami. "Perlindungan Hukum Terhadap Konsumen Terkait Penjualan Produk Barang Palsu Dengan Bundling Secara E-Commerce." *Kertha Semaya : Journal Ilmu Hukum; Vol 11 No 5 (2023)* 11, no. 5 (2023): 959-74. <https://doi.org/10.24843/KS.2023.v11.i05.01>.
- Yerby, Johnathan, and Ian Vaughn. "Deliberately Confusing Language in Terms of Service and Privacy Policy Agreements." *Issues In Information Systems* 23, no. 2 (2022): 138-49. https://doi.org/10.48009/2_iis_2022_112.
- Yuliati, Lilik Noor, and Megawati Simanjuntak. "Indonesian Consumer Complaint Behavior: The Role of Information Seeking, Knowledge, Purchase Behavior, and Tendency to Talk." *Global Business Finance Review* 29, no. 1 (February 2024): 57-71. <https://doi.org/10.17549/gbfr.2024.29.1.57>.
- Zuboff, Shoshana. "Surveillance Capitalism and the Challenge of Collective Action." *New Labor Forum* 28, no. 1 (January 2019): 10-29. <https://doi.org/10.1177/1095796018819461>.
- . "Caveat Usor: Surveillance Capitalism as Epistemic Inequality." In *After the Digital Tornado: Networks, Algorithms, Humanity*, edited by Kevin Werbach, 174-214. Cambridge: Cambridge University Press, 2020.
- Zulkifli, Suhaila, Jeremia Maruli Simbolon, Mutiara Henramawati Christin Waruwu, Deviana Br. Haloho, and Tajuddin Noor. "Perlindungan Hukum Konsumen Terhadap Barang Yang Hilang Atau Rusak Pada Aplikasi Jual Beli Secara Online." *Jurnal Interpretasi Hukum* 4, no. 2 (August 2023): 255-61. <https://doi.org/10.22225/juinhum.4.2.7775.255-261>.